

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE

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IN RE: COMPLAINT OF XO )  
TENNESSEE AGAINST )  
BELLSOUTH ) Docket No. 01-00868  
TELECOMMUNICATIONS, INC. )

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MOTION TO TAKE DISCOVERY

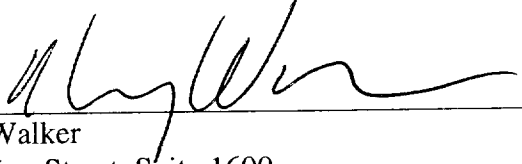
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XO Tennessee, Inc. ("XO") petitions the Tennessee Regulatory Authority, pursuant to TRA Rule 1220-1-2-.11 , to order BellSouth Telecommunications, Inc. ("BellSouth") to respond to the following discovery requests within ten (10) days. Petitioner seeks an expedited discovery schedule based on the oral instructions of the TRA on October 23, 2001, that the above-captioned complaint be heard and resolved by the Hearing Officer within sixty (60) days. Petitioner's proposed discovery is attached.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: \_\_\_\_\_

  
Henry Walker  
414 Union Street, Suite 1600  
P.O. Box 198062  
Nashville, Tennessee 37219  
(615) 252-2363

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

IN RE: COMPLAINT OF XO                     )  
TENNESSEE, INC. AGAINST                 )  
BELLSOUTH                                     ) DOCKET NO. 01-00868  
TELECOMMUNICATIONS, INC.             )

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**FIRST DISCOVERY REQUEST OF ACCESS INTEGRATED NETWORK, INC.**

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XO Tennessee, Inc. ("XO") requests that BellSouth Telecommunications, Inc. ("BellSouth"), answer each of the following interrogatories and requests for production. These interrogatories are continuing in nature and Rule 26 of the Tennessee Rules of Civil Procedure requires you to seasonably supplement your responses to these interrogatories.

**Preliminary Matters and Definitions.**

When not otherwise specified the term "BellSouth" refers to BellSouth Telecommunications, Inc. to any affiliated corporate entity, and to any agent of BellSouth engaging in the marketing of regulated services in Tennessee.

The term "identity" or "identify" as used herein, with respect to any person, means to provide the name, current residence address, current residence telephone number, current business address, current business telephone number, and the occupation or job title of that person; with respect to any other entity, those terms mean to provide the name by which said entity is commonly known, the current address of its principal place of business, and the nature of business currently conducted by that entity; with respect to any document, those terms mean to provide the date of the document, the identity of the author or preparer of the document, the type of document (e.g., letter, memorandum, tape recording, etc.), the substance of the contents

of the document, the title (if any) of the document, and the present or last-known location and custodian of the document and any copies thereof.

The term "document," as used herein, means any medium, including computers or other electronic media, upon which intelligence or information can be recorded, stored and/or retrieved, and includes, without limitation, the original and each copy, regardless of origin or location, of any book, record, report, statement, diary, notes, audiotape, videotape, computer disk, computer tape, computer printout, electronic or voice mail message, pamphlet, periodical, letter, memorandum (including memorandum, note or report of a meeting or conversation) or any other written, typed, reported, transcribed, punched, taped, filmed, electronic or graphic matter, however produced or reproduced, which is in your possession, custody or control or which was but is no longer in your possession, custody or control. "Document" shall include all copies of documents by whatever means made, including any non-identical copies (whether different from the original because of handwritten notes, underlining, blind carbon copy, or otherwise) and drafts of documents.

The term "relating to" or "relates to," as used herein, means evidencing, supporting, contradicting, constituting, containing, recording, discussing, summarizing, analyzing, disclosing, referring to in whole or in part, or otherwise pertaining to in any way.

For purposes of framing your responses to these interrogatories, the singular should be read to include the plural and vice versa.

With respect to each of the following interrogatories, in addition to supplying the information requested, please identify any and all documents that support, refer to, or evidence the subject matter of each interrogatory in your answers thereto. If any or all of the documents identified herein are no longer in your possession, custody or control because of destruction, loss, or other reason, then you are requested to identify each such document fully, including the nature and type of the document, its date, the identity of the person who prepared the document, and the identity of the person or entity for whom it was prepared, and to the extent possible, you

are requested to summarize the contents of the document and state the manner and date of the disposition thereof. If any of the requested documents are objected to or not produced on the basis of privilege, please include in your response to production, for each document, a written statement evidencing:

- a. The nature and type of the document;
- b. The date;
- c. The author of the document;
- d. The recipient;
- e. The sender; and
- f. A brief description of the contents sufficient to allow the TRA to rule on a motion to compel.

Consistent with the preceding definitions and preliminary matters, answer under oath the following specific interrogatories:

### **INTERROGATORIES**

1. Provide copies of all documents, including emails and notes of telephone conversations, describing the creation, purpose, and/or funding of BellSouth Select, Inc.
2. List all corporate officers and directors of BellSouth Select, Inc. and describe any other jobs or titles those officers and directors have with BellSouth.
3. Provide a balance sheet and statement of income, by month, for the last twelve months for BellSouth Select, Inc.
4. Provide copies of marketing materials, including telemarketing scripts used to sell the 2001 Key Business Discount Program.
5. Provide copies of all marketing materials, including telemarketing scripts, used to sell "BellSouth Select Business."

6. Provide a complete description of the "BellSouth Select Business" program, including a description of how long the program has been in effect, how customers earn select points, and a description of all goods and services for which points can be redeemed.

7. When did BellSouth Select, Inc, begin offering to enroll Tennessee customers?

8. Provide copies of all training materials provided to those engaged in the marketing activities described in questions 4 and 5.

9. List all Tennessee customers who have received any benefits from BellSouth Select, Inc.

10. List, on a customer by customer basis, all goods, services or benefits of any kind provided by BellSouth Select, Inc. to any Tennessee customer. In your response, provide the estimated monetary value of those benefits to each customer.

11. Describe those operations or practices of BellSouth Select, Inc. which have been or will be suspended and those operations which will not be suspended. Explain why some operations are continuing and others are not.

12. Describe how BellSouth Telecommunications, Inc. records on its books, for regulatory reporting purposes, forgone revenue associated with crediting a customer with one, two, or three months free service as part of the "Select Business" program. Cite the amounts recorded on a month-by-month basis, twelve months to date, and the applicable Part 32 account numbers and USOC codes.

13. Does BellSouth Select, Inc. offer programs, services, select points, or other benefits to BellSouth customers in Tennessee other than small business customers? If so, describe what is offered and to whom.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: \_\_\_\_\_

Henry Walker

414 Union Street, Suite 1600

P.O. Box 198062

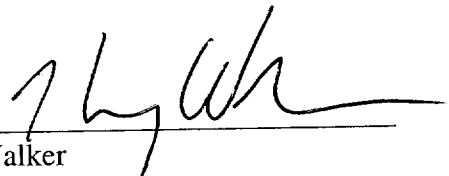
Nashville, Tennessee 37219

(615) 252-2363

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via fax or hand delivery and U.S. mail to the following on this the 31st day of October, 2001.

Guy Hicks, Esq.  
BellSouth Telecommunications, Inc.  
333 Commerce St., Suite 2101  
Nashville, TN 37201-3300

  
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Henry Walker